

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 36977

STATE OF IDAHO,)	2010 Unpublished Opinion No. 409
)	
Plaintiff-Respondent,)	Filed: March 30, 2010
)	
v.)	Stephen W. Kenyon, Clerk
)	
PAMELA DENISE LACY,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Michael R. McLaughlin, District Judge.

Order denying I.C.R. 35 motion for reduction of sentence, affirmed.

Molly J. Huskey, State Appellate Public Defender; Shannon N. Romero, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before GUTIERREZ, Judge; GRATTON, Judge;
and MELANSON, Judge

PER CURIAM

Pamela Denise Lacy pled guilty to attempted grand theft. Idaho Code §§ 18-2403(1), 18-2407(2), 18-306. The district court sentenced Lacy to a unified term of seven years with three years determinate, but suspended the sentence and placed Lacy on supervised probation for seven years. A condition of her probation was that she serve 230 days in the Ada County Jail with credit for time served and that she complete a cognitive self-change program.¹ Lacy filed

¹ The judgment of conviction states that Lacy shall complete the Substance Abuse Program. However, the oral pronouncement at the sentencing hearing made it clear that the court intended to order Lacy to complete the Active Behavior Change Program.

an Idaho Criminal Rule 35 motion, which the district court denied. Lacy appeals asserting that the district court abused its discretion by denying her Rule 35 motion.

A motion for reduction of sentence under I.C.R. 35 is essentially a plea for leniency, addressed to the sound discretion of the court. *State v. Knighton*, 143 Idaho 318, 319, 144 P.3d 23, 24 (2006); *State v. Allbee*, 115 Idaho 845, 846, 771 P.2d 66, 67 (Ct. App. 1989). In presenting a Rule 35 motion, the defendant must show that the sentence is excessive in light of new or additional information subsequently provided to the district court in support of the motion. *State v. Huffman*, 144 Idaho 201, 203, 159 P.3d 838, 840 (2007). Upon review of the record, including any new information submitted with Lacy's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Lacy's Rule 35 motion is affirmed.